

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION

Case No.: 7:23-mj-1012-RJ

UNITED STATES OF AMERICA	)	
	)	
v.	)	FINDINGS & ORDER ON
	)	REMOVAL PROCEEDINGS
JAMES ALLEN LEAKS,	)	Fed. R. Crim. P. 32.1
	)	
Defendant.	)	

James Allen Leaks ("Defendant"), having been arrested and presented before this court for removal proceedings in accordance with Fed. R. Crim. P. 32.1(a)(5), and having been informed of the rights specified in Fed. R. Crim. P. 32.1(a), the following has occurred of record:

This court has received the following reliable copies of documents filed in the case of *United States of America v. James Allen Leaks*, Case No. 1:07-CR-0348-01, which is pending in the Middle District of Pennsylvania: (1) Petition for Warrant or Summons for Offender Under Supervision and (2) Arrest Warrant for James Allen Leaks. [DE-1].

The supervision in the case remains with the Middle District of Pennsylvania.

After appointment of counsel, an Initial Appearance on the Rule 5(c) supervised release petition violations from the Middle District of Pennsylvania was held on January 25, 2023. [DE-2, -4].

Based on the Defendant's knowing and voluntary waiver of an identity hearing, this court finds Defendant is the person named in the petition and warrant for arrest, reliable copies of which have been produced. [DE-5].

No preliminary hearing has been held because Defendant elected to have the preliminary hearing in the district in which the prosecution is pending. [DE-5].

The government indicated it seeks detention in this case in accordance with 18 U.S.C. § 3142, and Defendant elected to have the detention hearing in the Eastern District of North Carolina. Accordingly, a detention hearing was held February 2, 2023. [DE-6, -9, -10].

At the detention hearing the Government proffered as to Defendant's supervision term in the Middle District of Pennsylvania. Defendant proffered through counsel and provided the court with indicia of Defendant's local employment as well as having family ties in the local area. Having carefully considered the proffers by the Government and Defendant, the court finds Defendant to be a risk of nonappearance in the prosecuting

district and should be detained pending further proceedings in this matter based on the following principal reasons: (1) the nature of the alleged violations of supervised release, (2) Defendant's presence in this jurisdiction for a considerable time untethered to the prosecuting district and (3) the lack of a third-party custodian.

It is therefore **ORDERED** that Defendant be held to answer in the district in which the prosecution is pending. Final commitment given to the United States Marshal.

**DONE and ORDERED** in chambers in Wilmington, North Carolina on February 3, 2023.



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Robert B. Jones, Jr.  
United States Magistrate Judge